

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

LFP Internet Group, LLC,	§	
A CALIFORNIA COMPANY,	§	
PLAINTIFF,	§	
	§	
VS.	§	
	§	
DOES 1-635	§	C.A. NO.: 3:10-cv-01863-O
	§	
DEFENDANTS.	§	

**DECLARATION OF EMILE MORGAN IN SUPPORT OF PLAINTIFF’S MOTION FOR  
LEAVE TO TAKE DISCOVERY PRIOR TO RULE 26(f) CONFERENCE**

I, Emile Morgan, declare:

1. I am the Chief Systems Engineer of Blackburn Dynamics, LLC (“Blackburn Dynamics”), a company registered in the United States. I have over 10 years of experience in the area of digital media and software engineering, and I hold a Master's Degree in Media Arts and Technology. I have worked for multiple high technology companies in positions such as Senior Software/Firmware Engineer, Networking Specialist and Web Services Consultant.

2. I submit this declaration in support of Plaintiff’s Motion for Leave to Take Discovery Prior to Rule 26(f) Conference. This declaration is based on my personal knowledge, and if called upon to do so, I would be prepared to testify as to its truth and accuracy.

3. At Blackburn Dynamics I head a team that is responsible for researching and developing systems for validation and recording of copyright infringement occurring publicly via the internet. My team and I also provide technical litigation support.

4. Blackburn Dynamics has developed a straightforward method to track unauthorized copying and distribution of copyrighted works over the internet—specifically, that which is carried

out using the BitTorrent protocol. The process of distributing a particular work with this protocol commences with one user intentionally making a digital embodiment of the work available to the public. This first file is known as a “seed.” Persons seeking to unlawfully download such media seek it out via a reference file called a “torrent” file, which describes the media and the path by which it can be obtained. With the availability of the seed, other users (“peers”) requesting the same file engage the seed and engage each other in a group known as a “swarm,” and begin downloading some portion of the seed. In turn, as each peer receives portions of the seed, they make those pieces available to other peers in the swarm. Therefore, each peer in the swarm is both copying and distributing copyrighted material at the same time. As new peers join the swarm, they obtain the content at even greater speeds because of the increasing number of peers simultaneously offering the content for unlawful distribution.

5. The Plaintiff in this action is LFP Internet Group, LLC. Through its authorized agent, Plaintiff engaged Blackburn Dynamics to investigate and document evidence of the unauthorized reproduction and distribution of the Plaintiff’s classic adult film, “Barely Legal School Girls: No. 6.” Blackburn Dynamics thereafter collected and documented the evidence of infringement using the methods detailed below.


6. At regular intervals throughout the month of September, beginning on or about September 3, 2010, GMT, and concluding on September 17, 2010, GMT, my associates and I searched for a torrent offering the movie file, “Barely Legal School Girls: No. 6.” We conducted the search using a publicly available torrent search engine. After a candidate torrent was identified, we opened the torrent using a popular and vetted computer application. Then, we joined the swarm and began downloading pieces of the movie file. As each defendant connected to our BitTorrent client, we recorded that defendant’s Internet Protocol address (“IP” address), among other data.

7. IP addresses are numerical labels assigned to customers by an internet service provider such as Verizon, Time Warner Cable or Comcast and are often reassigned within short periods of time. The logs regarding such assignments are likewise kept only for relatively short periods of time. The numeric encoding used in these labels provides for more than four billion possible IP addresses, which are allocated internationally by the Internet Assigned Numbers Authority. These addresses are allocated among countries and service providers and are publicly indexed in a way that correlates a certain range of numbers to a specific country and a certain sub-range of numbers to a specific internet service provider. After matching an IP address to the range belonging to a certain service provider, one can then inquire of the service provider which customer that specific IP address had been assigned to at a certain date and time in question. To determine which service providers were providing internet access to the people unlawfully distributing this film, we submitted the list of addresses we collected to a trusted, commercial IP lookup service. The service returned information pertaining to each address, including the service provider to which each particular address was allocated. This information along with all the other captured data was then archived on a secure server for safekeeping.

8. After the movie file had downloaded completely, I securely transferred it to the Plaintiff's agent to verify that it was the motion picture in question, "Barely Legal School Girls: No. 6." Plaintiff affirmed that the file was indeed a flawless depiction of said film.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 17, 2010 at my offices in Denton, TX.

  
Emile Morgan